IN THE HIGH COURT OF UTTARANCHAL, AT NAINITAL

Criminal Revision No. 55 of 2003

Anup Singh	……	Revisionist
	Versus	
Smt. Manohari Devi	……	Respondent

Hon. Irshad Hussain, J.

Heard Sri M. C. Pande, learned counsel for the revisionist and Sri Sudhir Singh learned counsel for the respondent.

This is a revision under Section 397/401 of the Code of Criminal Procedure, 1973 read with Section 19(4) of the Family Courts Act, 1984 against the judgment and order dated 13.3.2003 passed under Section 127 of the Code by the learned Judge, Family Court, U.S.Nagar whereby the maintenance to the wife-respondent had been enhanced to Rs. 1000/- (Rupees one thousand only) from Rs. 100/- (Rupees one hundred only) which was awarded way back in the year 1968.

Learned counsel for the revisionist submitted that the respondent had been given the land by the revisionist – husband which she has sold for a sum of Rs. 80,000/- and that the revisionist has had no means to pay the enhanced maintenance. The learned counsel for the revisionist submitted that the revisionist is in fact has no income from the land and he is being maintained by his sons. On the other hand, the learned counsel for the respondent pointed that the revisionist himself admitted that after deducting incidental expenses his agricultural income is about Rs. 50,000/- (Rupees fifty thousand only) per year and considering this aspect the enhancement made by the learned Judge is just and cannot be said to be excessive.

Having gone through the material on record and particularly statement of revisionist-Anup Singh (Annexure-3) there can be do doubt that the revisionist has an income of Rs. 50,000/- per year from his agricultural land and that he has the capacity to pay the enhanced maintenance to his wife-respondent who is more than 70 years old. The respondent-wife is an old lady and naturally apart from means to maintain herself, she will also require some money for casual purchase of medicines in old age and considering this the amount of Rs.

1000/- (Rupees one thousand only) per month appear to be very reasonable. Therefore, there is no merit in this revision and the same is hereby dismissed.

(Irshad Hussain, J.)

Dated 08.12.2003
Rawat